



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,381	12/08/2003	Armin Wagner	080437.52924US	8148

23911 7590 03/23/2005

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

DEBERADINIS, ROBERT L

ART UNIT	PAPER NUMBER
----------	--------------

2836

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,381	Applicant(s) WAGNER ET AL. <i>W</i>	
	Examiner Robert DeBeradinis	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by CLOKIE 5,272,380.

Regarding claims 1, 9.

CLOKIE discloses a safety switch for preventing unintentional discharge of a vehicle battery, said safety switch comprising a semiconductor switch (column 2, lines 35-40).

Regarding claims 2, 3.

CLOKIE discloses wherein the semiconductor switch disconnects a vehicle consuming device from the vehicle battery after expiration of a defined time interval (column 2, lines 39-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2836

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over CLOKIE 5,272,380 in view of TURNER 6,646,845.

Regarding claim 4.

CLOKIE discloses the safety switch according to claim 1.

CLOKIE does not disclose wherein the semiconductor switch is a SenseFET.

TURNER discloses battery protection system having a switching mechanism positioned intermediate to the positive terminal and an electrical load of the battery and sensing excess current flow through the FET switches. The excess current will be measured and will cause the FET switches to open (column 11, lines 1-20).

It would have been obvious to one having ordinary skill in the art at the time of this invention to have modified the electrical supply control system, to sense the excess current through the safety switch. The motivation would be to protect the system from excess current flow.

Claims 5-8, 10, 11, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over TURNER 6,646,845.

Regarding claims 5-8, 11, 12.

TURNER discloses a battery protection system for a battery having a switching mechanism positioned intermediate to the positive terminal and an electrical load of the battery sensing current through the switching mechanism and opening switching mechanism when set point is exceeded disconnecting the load from the battery.

TURNER does not disclose switching mechanism current consumption through a vehicle socket.

The Examiner takes official notice. The cigarette lighter socket is a well known and a common device used for powering electrical devices.

It is therefore obvious that when a device is plugged into the cigarette socket the device becomes just another load on the battery and is protected by the safety switch in the same manner as the other vehicle loads are.

Regarding claim 10.

TURNER discloses an apparatus for preventing unintentional discharge of a vehicle battery, said apparatus comprising a semiconductor safety switch and a programmable control unit (column 4, lines 26-34).

Regarding claim 13.

TURNER discloses method wherein said semiconductor safety switch provides a bidirectional current flow capability, whereby said vehicle battery can be charged via the vehicle socket (column 1, lines 43-67, column 2, lines 1-14).

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

Application/Control Number: 10/729,381

Page 5

Art Unit: 2836

RLD

MARCH 10, 2005

A handwritten signature in black ink, appearing to read "Robert L. DeBeradine". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "DeBeradine".

ROBERT L. DEBERADINE
PRIMARY EXAMINER